ORDINANCE NO. 2013-02-007

AN ORDINANCE AMENDING BELLINGHAM MUNICIPAL CODE (BMC) 20.10.025 A. AND BMC 20.00.110 MERIDIAN NEIGHBORHOOD TABLE OF ZONING REGULATIONS TO CORRECT CODE ERRORS AND OMISSIONS AND PROVIDE REGULATORY CONSISTENCY WITH OTHER DEVELOPMENT STANDARDS PRESCRIBED FOR AREA 5 OF THE MERIDIAN NEIGHBORHOOD.

WHEREAS, The Planning and Community Development Department has been developing a series of code amendments to improve the City's Land Use and Development code; and

WHEREAS, in 2010 the City Council approved three Type VI legislative amendment proposals that were located in the Guide Meridian/Cordata and Meridian Neighborhoods relating to amendments to BMC 20.10.025 Retail Establishments, a rezone, and modifications of the City's northern neighborhoods and boundaries; and

WHEREAS, each of the Type VI amendment proposals took a separate legislative process. Some accidental code errors and omissions occurred in certain code provisions and specific code amendments were not pursued because they were not part of the rezone application; and

WHEREAS, the proposed code amendments to BMC 20.10.025 A. and BMC 20.00.110 correct the code errors and provide regulatory consistency with other development standards prescribed for Area 5 of the Meridian Neighborhood, specifically relating to the retail size exemption area; and

WHEREAS, the responsible official reviewed the proposed amendments under the procedures of the State Environmental Policy Act, and a non-project Determination of Nonsignificance was issued on November 13, 2012; and

WHEREAS, as required by RCW 36.70A.106 notice of the City's intent to adopt the proposed code amendments was sent to the Washington State Department of Commerce on November 28, 2012; and

WHEREAS, after mailed and published notice as required by BMC Chapter 21.10, the Planning Commission held a public hearing on the proposed code amendments on December 13, 2012; and

WHEREAS, the Planning Commission determined that the proposed amendments comply with, and will implement the goals and policies of the Bellingham Comprehensive Plan; and

WHEREAS, the Planning Commission considered the staff report and comments received and thereafter made Findings, Conclusions and a Recommendation for adoption of the proposed amendments; and

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-778-8270

WHEREAS, after mailed and published notice as required by BMC 21.10, the City Council held a public hearing on the proposed code amendments on February 11, 2013; and

WHEREAS, the City Council has considered the recommendation of the Planning Commission, the staff report and the public comment and hereby adopts the Findings of Fact and Conclusions of the Planning Commission.

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. Bellingham Municipal Code, Section 20.10.025 A. is hereby amended as follows:

20.10.025 - Retail Establishments - Maximum Size

A. An individual retail establishment, including but not limited to membership warehouse clubs, discount stores, specialized product stores and department stores, shall not exceed 90,000 square feet of gross floor area. This restriction shall apply in all zones, including all General Use Types and Use Qualifiers. If this Section conflicts with any other provisions of this Title, this Section shall prevail.

In the Cordata Neighborhood Zoning Map Area 15 and Meridian Neighborhood Zoning Map Areas 3, 5, 10, 11, 12, 14, 15, 16, 17, 18, 21, 22, 25, 26, 27, 31, 32, and 33, as shown in Exhibit A, the size limit may be exceeded if the proposal meets all of the following conditions:

1. The facility is not a superstore. "Superstore" means a retail establishment that exceeds 90,000 square feet of gross floor area, sells a wide range of consumer products primarily for household or personal use and devotes more than 10% of the total sales floor area to the sale of nontaxable merchandise. "Nontaxable merchandise" means products, commodities, or items the sale of which is not subject to Washington State sales tax. "Sales floor area" means only interior building space devoted to the sale of merchandise, and does not include restrooms, office space, storage space, automobile service areas, or open-air garden sales space. This definition excludes membership warehouse clubs where shoppers pay a membership fee in order to take advantage of discounted prices on a wide variety of items such as food, clothing, tires, and appliances and many items are sold in large quantities or bulk; and

2. The proposal satisfies the following environmental mitigation measures:

a. Leadership in Energy and Environmental Design (LEED) ™ certification at the silver level (or equivalent green building system). Projects shall apply for the LEED ™ rating system the Director determines is most suitable for the project type; and

b. The area of new or expanded impervious surfacing shall have a Green Factor score of at least 0.3.

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-778-8270

Section 2. Bellingham Municipal Code, Section 20.00.110 Meridian Table of Zoning Regulations for Area 2, Attachment 2 Meridian Zoning Code is hereby amended as shown in Exhibit B.

Section 3. Bellingham Municipal Code, Section 20.00.110 Meridian Table of Zoning Regulations for Area 4, Special Regulations is hereby amended as shown in Exhibit C.

Section 4. Bellingham Municipal Code, Section 20.00.110 Meridian Table of Zoning Regulations for Area 5, Special Regulations is hereby amended as shown in Exhibit D.

Section 5. Bellingham Municipal Code, Section 20.00.110 Meridian Table of Zoning Regulations for Area 34, Attachment 7 to Meridian Zoning Code is hereby amended as shown in Exhibit E.

PASSED by the Council this 25th day of February, 2013.

Council President

APPROVED by me this 1st day of March, 2013.

Mayor

ATTEST:

Finance Director

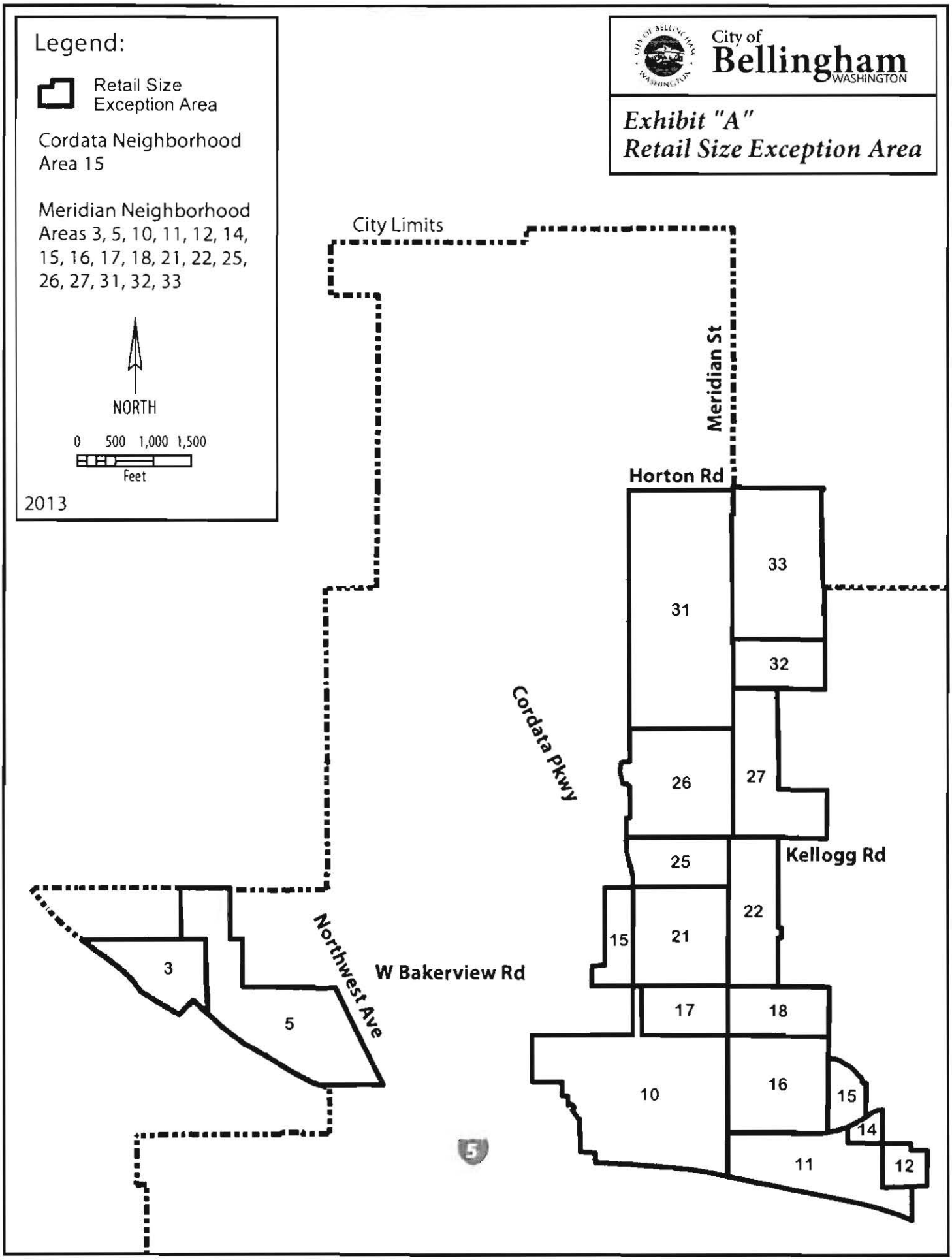
APPROVED AS TO FORM:

Office of the City Attorney

Published:

March 1, 2013

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-778-8270


Legend:
Retail Size Exception Area
Cordata Neighborhood Area 15
Meridian Neighborhood Areas 3, 5, 10, 11, 12, 14, 15, 16, 17, 18, 21, 22, 25, 26, 27, 31, 32, 33
NORTH
0 500 1,000 1,500
Feet
2013
City of Bellingham WASHINGTON
Exhibit "A"
Retail Size Exception Area
City Limits
Meridian St
Horton Rd
Cordata Pkwy
Kellogg Rd
W Bakerview Rd
Northwest Ave
33
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26
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EXHIBIT B

BELLINGHAM MUNICIPAL CODE
20.00.110 - MERIDIAN NEIGHBORHOOD TABLE OF ZONING REGULATIONS

ATTACHMENT 2 TO MERIDIAN ZONING CODE - AREA 2
Density Bonus Criteria (design features)

Minimum Performance Criteria

For all single family development (detached and attached); and multi-family development, the following performance criteria should be required:

1. The proposed design addresses any environmental limitations identified in neighborhood planning areas, including wetlands, steep slopes, water courses, views, etc;

2. The proposed design is compatible with the existing topography, and locates development to preserve valuable natural amenities such as isolated mature trees, wooded areas, scenic views, water courses, wetlands, and indigenous plants or animal habitats;

3. Physical and visual links between existing parks and other public open spaces are developed using drainage courses, creeks, greenways, ravines, shorelines, hillsides, and wooded areas whenever possible.

Bonuses (Design Features)

Density bonuses (design features) can be used to increase the number of single-family dwelling units from 4 units per acre, or approximately 10,000 sq. ft. per unit, to 7 units per acre, or approximately 6,200 sq. ft. per unit. Transfer of Development Rights (TDRs) could also be used to increase the number of units from 7 to 10 units per acre, or approximately 4,300 sq. ft. pr unit.

Bonuses can also be used to increase the number of multi-family from 12 or approximately 3,600 sq. ft. pr unit to 18 units per acre or 2,500 sq. ft. per unit. To increase the number of units from 18 to 24 units or approximately 1,800 sq. ft. per unit, TDRs would be needed.

The following bonuses are allowed in the UR-MX ordinance for Bellingham's Urban Growth Area (UGA) and would be allowed for increase in density in Area 4 Meridian Neighborhood:

Provision of common open space that will serve the needs of the development's residents and would include such facilities as play areas with equipment, basketball courts, handball courts, ball fields, tennis courts or swimming pools. Usable open space on the roof of a building may qualify as improved open space.

2. Provision for the preservation or restoration of historically or architecturally significant structures. The burden of designation of such structures or features as significant shall be upon the applicant. Final determination as to significance shall be made by the Planning Director.

3. Provision of innovative techniques such as zero lot lines, full use of alleys throughout the development, provision of design guidelines, etc.

4. Provision of housing accessible to families with household incomes, which do not exceed eighty percent (80%) of median income in Bellingham as determined by HUD.

Not more than 25% of any overall development, which takes advantage of this provision, may be in housing units serving households with incomes below 80% of median income.

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-778-8270

EXHIBIT C

BELLINGHAM MUNICIPAL CODE
20.00.110 - MERIDIAN NEIGHBORHOOD TABLE OF ZONING REGULATIONS

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
4	Commercial	Planned, residential units and mixed use buildings are encouraged.	RM 2,500 may increase to RM 1,500 through density bonus menu. Residential above commercial is not counted against residential density.	Internal circulation Preservation of mature trees and vegetation whenever possible; required yards may be reduced to achieve pedestrian orientation; Landscaping buffer between industrial/ commercial and residential uses.	Utilities; Evaluation of development proposals for compatibility with airport operations, and for impacts on the I-5 corridor, and on the I-5/West Bakerview and I-5/Northwest Interchanges.	See Att. 2 and 3 - Residential Density Bonus System for Area 4. See attached design standards for Areas 3, 4, 5, 6, 7, and 8

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-778-8270

EXHIBIT D

BELLINGHAM MUNICIPAL CODE
20.00.110 - MERIDIAN NEIGHBORHOOD TABLE OF ZONING REGULATIONS

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
5	Industrial/ Commercial	Planned, Mixed, Uses listed in Attachment #4 are allowed, as well as uses permitted in the City's Planned Industrial and Planned Commercial zones. (Attachment #5). (Attachment #4 is intended to include all uses allowed in Whatcom County's Gateway Industrial zone as of April 1996. Heavy industrial uses are not allowed. Adult entertainment uses are prohibited in this area.	N/A	Internal circulation; access; preservation of mature trees and vegetation whenever possible; required yards may be reduced to achieve pedestrian orientation; landscaping buffer between industrial/ commercial and residential.	Utilities; Contiguous road from Dover Street to Pacific Highway.	<u>Development standards</u> a. The building masses, open spaces around them, landscaping, and signage are integrated in a manner that recognizes the area's visibility from I-5. b. Portals, service loading areas, automobile access points, exterior public activity locations, parking areas and similar features are located in a manner that both maximizes the efficient use of these facilities and recognizes and addresses the development's visibility from I-5, Bakerview, and Northwest Avenue. c. Individual developments are designed to accommodate additional development on adjacent property in an integrated manner. See attached design standards for Areas 3, 4, 5, 6, 7, and 8 This Area is exempt from retail size limits subject to conditions in BMC 20.10.025.

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-778-8270

EXHIBIT E

BELLINGHAM MUNICIPAL CODE
20.00.110 - MERIDIAN NEIGHBORHOOD TABLE OF ZONING REGULATIONS

ATTACHMENT 7 TO MERIDIAN ZONING CODE - Allowed Uses for Area 34
Whatcom County Light Impact Industrial Uses

[User Note: References to any section of the Whatcom County Code (WCC) are subject to interpretation and adaptation to City of Bellingham regulations and procedures as determined by the City of Bellingham Planning Director.]

CITY OF BELLINGHAM
PLANNED INDUSTRIAL (MIXED)
AREA 34
Cordata Stage II/West Guide Annexation

PERMITTED USES

Manufacturing, processing, fabrication

- The manufacturing and processing of food of a nature that meets the purpose and performance standards of this district excluding primary processing of meat and fish products.
- Fabrication of office, computing and accounting machine.
- Manufacture of miscellaneous textile goods and fabrication of apparel including clothing, hats, caps, millinery fur products; and miscellaneous fabricated textile products.
- Fabrication of furniture and fixtures including household, office and public building furniture; and partitions, shelving and lockers.
- Fabrication of paper products including paperboard containers, boxes, carrion boxes and paper containers.
- Printing and publishing newspapers, periodicals and books; commercial printing; book binding; and manufacture of manifold business forms and greeting cards.
- Fabrication of leather products including belting; packing; cut stock and findings for shoes and boots; shoes; footwear; gloves and mittens; luggage; personal leather goods and handbags.
- Fabrication of glass products including glass products from prepared materials; stone cutting; and monuments.
- Processing and packaging of drug, pharmaceuticals, perfumes and cosmetics.
- Fabrication of electrical equipment including industrial apparatus and household appliances, radio and television sets; communications equipment; electrical components and accessories; and electric lighting equipment and lamps.
- Fabrication of instruments, photographic goods, optical goods, watches and clocks, and including engineering, scientific, surgical, medical, dental and ophthalmic products.
- Manufacture and fabrication of jewelry, silverware, plated ware, musical instruments and parts, toys, sporting and athletic goods; pens, pencils and other office and artistic supplies; novelties, buttons and notions; and miscellaneous manufacture.
- Manufacture, processing, treatment or fabrication of metal products and machinery; provided that smelters and re-melting mills, and the manufacturing of turbines, oil machinery, mining machinery, industrial process ovens, paper, and textile or rolling mill machinery shall be prohibited.
- Manufacture, processing, treatment and fabrication of lumber, millwork, mobile homes, travel trailers, campers, miscellaneous wood products and other buildings, roofing and construction materials; provided that all odor and noise producing processes shall be conducted within an enclosed structure equipped with such scrubbing, filtering equipment or noise reduction equipment as is necessary to mitigate the odor and/or noise produced.
- Fabrication of rubber products from finished rubber only and manufacture of miscellaneous plastic products from purchased resins only.
- Manufacture of glass, glass products, pottery and related products, and cutting and shaping of stone products.
- Bottling plants.

Transportation / communication facilities / offices

- Rail, truck and freight terminals; warehousing and storage; parcel delivery service; freight forwarding; inspection weighing services; and packaging and crating.
- Communications including telephone exchanges, and radio and television broadcasting stations and transmitting towers.
- Business firm headquarters and professional offices.

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-778-8270

Other uses allowed

- Boat building and repair.
- Construction contractors' business offices and storage and equipment yards.
- Wholesale trade or storage of durable and non-durable goods including automobile parts and supplies; tires and tubes; furniture and home furnishings; lumber and other construction materials; sporting goods, toys and hobby goods; metal service centers and offices; electrical goods; hardware, plumbing and heating equipment; machinery equipment and supplies; jewelry, watches and precious stones; other durable goods; paper and paper products; drugs, proprietaries and sundries; apparel, piece goods and notions; groceries and related products; beer, wine and distilled beverages; waste bottles; waste boxes; rags; waste paper; wiping rags and miscellaneous non-durable goods; provided, however, that trade, storage or processing of sulphur shall be prohibited.
- Building material yards, if screened by a fence and/or vegetation provided that screening shall not be required between two contiguous yards where the operator of each yard agrees that such screening is unnecessary.
- Eating establishments, convenience grocery stores, cafes and gas stations operating primarily for the convenience of employees, clients and customers of the district; providing the following criteria are met:

(1) Maximum floor area is 3,000 square feet per use;
(2) No more than two pump islands for each gas station;
(3) Centrally located within the district to primarily serve the industrial uses of this district and not to primarily serve adjacent non-industrial uses.

Public uses and community facilities

- Churches.
- Residential development limited to nursing homes, assisted living, and other residential uses associated with a church campus is allowed.
- Public uses and community facilities including police and fire stations, libraries, community centers, recreation facilities and other similar noncommercial uses.

Similar uses allowed

- Other uses similar in nature to the uses listed above which are consistent with the purpose and intent of the district to be approved through the planned development process

Accessory uses

- Employee recreation facilities and play areas.
- Temporary buildings for construction purposes for a period not to exceed the duration of such construction.
- Testing and experimentation in connection with a principally permitted use.
- Other accessory uses and buildings, including security and caretaker residences, customarily appurtenant to a principally permitted use.
- Retail sales of merchandise manufactured, assembled or stored on the site and consistent with the definition of accessory uses as defined in Chapter 20.97 WCC (Definitions).*
- On-site treatment and storage facilities for hazardous wastes associated with outright permitted uses.
- Billboards, subject to the provisions of this ordinance, and only within the Bellingham Overlay Zones delineated by Bellingham Municipal Code 20.08.020, Figure 15
- Consistent with the Meridian Neighborhood, the following uses are prohibited: permanent facilities for live or performing arts, and government offices except Armed Forces recruiting offices, branch post offices, and branch libraries or public safety facilities (such as fire stations)

* WCC 20.97.005 Accessory Use:
Accessory use means a use customarily incidental to a permitted use; provided that such use shall be located on the same lot as the permitted use except where specifically permitted elsewhere in zoning district regulations.

City of Bellingham
City Attorney
210 Lottie Street
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360-778-8270